

**Town of Egremont, MA  
Annual Town Meeting**

**May 7, 2019**

The Egremont Annual Town Meeting of May 7, 2019 at the Thomas A. Consolati Performing Arts Center at Mount Everett Regional High School Auditorium in Sheffield, MA was called to order at 7:00 pm by Moderator Stephen Cohen. The Moderator attested to the proper service of the warrant and the presence of a quorum. The Moderator gave instructions for the meeting.

**ARTICLE 1: Reports from Committees:**

- Fred Gordon/Affordable Housing Committee
- Mary Brazie/Selectman and Office Administrator thanked retiring Selectman Bruce Turner for his 25+ years of service to the Town.

**ARTICLE 2:** Motion made and seconded to raise and appropriate monies to defray charges and expenses to the Town, to set the salaries of elected officials, include salaries of certain Town officers and employees, debt and interest, and to provide for a reserve fund, all beginning July 1, 2019 for the ensuing twelve months.

<b>1. OFFICIALS AND BOARDS</b>	<b>\$ 386,168.00</b>
A. Accounting Officer Expense	1,500.00
B. Accounting Officer	13,356.00
C. Agricultural Commission	400.00
D. Assessors Clerical	2,826.00
E. Assessor's Consulting	35,000.00
F. Assessor's Expense	2,600.00
G. Assessor #1 Salary	4,921.00
H. Assessor #2 Salary	4,921.00
I. Assessor #3 Salary	4,921.00
J. Board of Appeals Expense	100.00
K. Board of Health Expense	4,500.00
L. Board of Health Director	26,913.00
M. Public Health Services	12,000.00
N. Building Inspector Salary	30,415.00
O. Asst. Building Inspector	1,500.00
P. Conservation Comm. Expense	1,700.00
Q. Conservation Agent	1,000.00
R. Constable's Salary	658.00
S. Finance Committee Expense	400.00

T. Inspectors' Expenses	2,780.00
U. Personnel Director	10,286.00
V. Planning Board Expense	2,500.00
W. Planning Board Wages	400.00
X. Sel. Office Administrator	64,557.00
Y. Selectmen Office Expense	19,050.00
Z. Selectman #1 Salary	5,498.00
AA. Selectman #2 Salary	5,101.00
BB. Selectman #3 Salary	5,101.00
CC. Sustainability Coordinator	6,908.00
DD. Sustainability Coord expenses	350.00
EE. Town Clerk Expense	6,800.00
FF. Town Clerk Salary	11,308.00
GG. Town Hall Office Clerk	25,627.00
HH. Treasurer/Collector Expense	11,495.00
II. Treasurer/Collector Salary	57,276.00
JJ. Treasurer/Collector Clerk	1,500.00

**2. TOWN EXPENSES** **\$ 276,755.00**

A. Animal Control Officer	2,677.00
B. Animal Control Expenses	1,000.00
C. Audit	8,037.00
D. Board of Registrars Salary	50.00
E. Compactor Operation	84,567.00
F. Compactor Substitute Wages	6,473.00
G. Computer Expenses	81,408.00
H. Computer Administrator	5,700.00
I. Drug and Alcohol Tests	360.00
J. Egremont Newsletter	6,000.00
K. Election Wages	4,500.00
L. Group Purchasing	1,260.00
M. Geographic Information System	4,300.00
N. High Speed Internet	2,500.00
O. Email Archiving/back-up	2,700.00
P. Historical Commission Expense	1,850.00
Q. Inspector of Animals	500.00
R. Legal Expenses	2,000.00
S. Legal Fees	14,637.00
T. Litigation	5,000.00
U. Moderator	330.00
V. Public Health Services	2,575.00

W. School Committee	2,121.00
X. School Crossing Guard	500.00
Y. So. Berk. Chamber Commerce	260.00
Z. Town Engineer	4,450.00
AA. Town Report	300.00
BB. Town Telephone	9,600.00
CC. Veteran's Benefits	21,000.00
DD. Zoning Bylaws Printing	100.00

**3. TOWN MAINTENANCE** **\$ 209,706.00**

A. Bldg Maint. General Exp.	18,675.00
B. Bldg Maint. Utility Exp.	35,650.00
C. Building Maintenance Wages	13,280.00
D. Maintenance Superintendent	51,375.00
E. Cemetery Maintenance	100.00
F. French Park Maintenance	3,375.00
G. French Park Trails	1,250.00
H. French Park Overtime Wages	5,555.00
I. French Park Wages	12,527.00
J. Public Lighting	5,800.00
K. Building Improvements	8,000.00
L. Police Building Expenses	0.00
M. Tree Work	30,000.00
N. Tree Warden	6,119.00
O. Cemetery Exp & Maint	18,000.00

**4. HIGHWAYS** **\$ 575,177.00**

A. Const. & Maint. Wages	5,000.00
B. Construction & Maintenance	190,800.00
C. Vehicle Maintenance/Repairs	55,000.00
D. Highway Union	162,145.00
E. Superintendent Salary	67,232.00
F. Snow & Ice Removal	70,000.00
G. Snow & Ice Removal Wages	25,000.00

**5. LIBRARY** **\$ 36,979.00**

A. Expenses	13,275.00
B. Librarian's Salary	22,743.00
C. Library Substitute Wages	961.00

**6. POLICE** **\$409,732.00**

A. Chief Expenses	4,500.00
B. Chief Salary	80,000.00
C. Collective Bargaining	281,308.00
D. Department Expenses	10,000.00
E. Police Wages-Secretary	17,924.00
F. Vehicle Expenses	16,000.00

**7. FIRE AND EMERGENCY \$102,462.00**

A. Dispatch Facilities	10,943.00
B. Emergency Management	1,600.00
C. Emergency Management Wages	2,569.00
D. Fire Department Expense	53,500.00
E. Draft Hydrants	2,000.00
F. Firefighters Stipend	28,000.00
G. Forest Fires	1,000.00
H. Street Number 911	100.00
I. Blackboard Connect alert	2,250.00
J. So Berk Reg Emergency Plan	500.00

**8. DEBT AND INTEREST \$ 61,953.00**

A. Interest Short Term Debt	10,000.00
B. Police Facility	31,800.00
C. Fire Truck	0.00
D. Mt. Washington Rd Eng	14,673.00
E. Rescue Truck	5,480.00

**9. HUMAN SERVICES \$ 34,982.00**

A. Brien Center/Mental Health	2,203.00
B. Berk South Community Center	2,000.00
C. Community Health Programs	1,000.00
D. Berk. Comm. Action Council	1,000.00
E. Construct, Inc.	1,000.00
F. Council on Aging	12,050.00
E. Egremont Garden Club	200.00
H. Elizabeth Freeman Center	500.00
I. Fairview Hospital	1,500.00
J. Housatonic Valley Assoc	250.00
K. Hospice Care	1,000.00
L. Railroad Street Youth Project	1,500.00
M. Elderly Transport	10,379.00
N. Literacy Network of So. Berk.	400.00

<b>10. INSURANCE</b>	<b>\$ 583,169.00</b>
A. Health/Dental	259,067.00
B. Pension	171,695.00
C. Property & Casualty	117,382.00
D. Social Security/Medicare	17,000.00
E. Unemployment	10,000.00
F. Longevity Pay	3,025.00
G. Sick Leave	5,000.00
 <b>11. RESERVE FUND</b>	 <b>\$ 25,000.00</b>
 <b>12. SCHOOLS</b>	 <b>\$ 1,792,218.00</b>
A. Operating & Transport	1,697,828.00
B. Capital Costs	46,071.00
C. Bond Payment	48,319.00

Holds were placed on 2J, 3F, 4B&D, 9M and 12.

**Vote on all non-hold items: motion carried by show of hands majority.**

Motion made and seconded to amend 3F to increase figure.

**Vote on motion: motion defeated by a show of hands majority.**

SBRSD Superintendent Beth Regulbuto spoke.

**Vote taken on remaining holds: motion carried by show of hands majority.**

**TOTAL LINE ITEM BUDGET APPROVED AT MEETING \$ 4,494,301.00**

**Article 3:** Motion made and seconded to raise from The Egremont Water Department the sums of money listed below to operate the Egremont Water Department, said sums to be expended under the direction of the Water Commissioners:

A. Water Debt	\$100,600.00
B. Water Operating Exp	25,000.00
C. Salaries/Wages	51,058.00
D. Utilities	10,000.00
E. Office Expenses	1,600.00
F. Water System Maint., Repair, Replacement, Upgrade	30,000.00
G. Audit	4,000.00
H. Insurance	8,500.00

I. Software/Engineer Design Work	1,810.00
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\$232,568.00

Necessary funds to be raised as follows:

Water Dept. Revenues	\$221,655.00
Transfer from Water Free Cash	10,913.00

**Vote: motion carried by a show of hands majority.**

**Article 4:** Motion made and seconded to amend the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011 as shown on the attached proposed Amendment to Regional Agreement, by deleting the introductory paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing that introductory paragraph and those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS

#### AMENDMENT TO REGIONAL AGREEMENT ESTABLISHING

#### THE SOUTHERN BERKSHIRE REGIONAL SCHOOL DISTRICT

The Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, is amended by deleting the introductory paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS, inclusive, to read in their entirety as follows:

#### 4. APPORTIONMENT OF COSTS.

For the purpose of apportionment among Member Towns of the District, costs shall be classified as capital costs, operating costs, and transportation costs. (For purposes herein, costs apportioned among and assessed to the Member Towns shall not include any costs paid by third party sources as determined by the Regional School Committee, including but not limited to Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and Medicaid reimbursements.)

1.Capital costs shall include cost of site, construction, laying out playgrounds and athletic fields, original grading, original equipment, and other costs incurred to put a new school plant into

operation. Capital costs shall also include interest on indebtedness incurred to meet these outlays and the expense incident to the preparation, issuing, and marketing of bonds and other obligations. All subsequent improvements to the school plant which would be capitalized according to generally accepted accounting practices shall be treated as capital costs.

2. The "Required Minimum Contributions" for the Member Towns and the "Required District Contribution" for the District as used herein shall be the "required local contribution" and the "required district contribution" respectively as those terms are defined and determined by the Department of Elementary and Secondary Education (hereinafter the "DESE") in accordance with the Education Reform Act and its implementing regulations, as such statute and regulations may be amended from time to time. The ratio of each Member Town's Required Minimum Contribution to the Required District Contribution in any applicable year is hereinafter referred to as the "Applicable Percentage." For Fiscal Year 2013 (July 1 through June 30) and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's respective share of the annual capital costs shall be calculated as follows: each Member Town's respective share of the annual capital costs shall be calculated by multiplying total capital costs by the percentage that such Member Town's Required Minimum Contribution bears to the District's Required District Contribution for the applicable fiscal year. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's respective share of the annual capital costs shall be calculated by multiplying total capital costs by the percentage share that such Member Town's 5-year rolling average Required Minimum Contribution bears to the total of the District's 5-year rolling average Required District Contribution. The 5-year rolling averages shall be calculated using the Required Minimum Contributions for the current and four fiscal years prior.

Examples: The years to be included to calculate the 5-year rolling average Required Minimum Contribution for FY20 and FY21 are:

FY20 - Fiscal Years 2016, 2017, 2018, 2019, 2020

FY21 - Fiscal Years 2017, 2018, 2019, 2020, 2021

For each Member Town, the percentage share that such Member Town's 5-year rolling average Required Minimum Contribution bears to the total of the District's 5-year rolling average Required District Contribution is hereinafter referred to as the "Rolling Average Applicable Percentage".

- c. The payments of respective shares of said capital costs of each of the Member Towns for each year shall be paid in two equal installments made by the respective town treasurers by checks payable to the District and delivered to the District not later than August 15<sup>th</sup> and March 15<sup>th</sup> of each fiscal year. In the event a different payment schedule is required

in order to allow the District to meet its payment obligations under any bond issues or other financing facilities for capital costs ("Indebtedness Payment"), each Member Town shall make such payments of its respective share of said Indebtedness Payment no later than 15 days preceding the date on which such obligation is so payable by the District.

- d. Operating costs shall include all estimated expenses of the District except capital and transportation costs, including but not limited to salaries, administration expenses, wages, textbooks, supplies, additions to current equipment, repairs, maintenance and interest on temporary notes issued in anticipation of revenue to be earned by the District.
- e. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total operating costs of the District schools in any fiscal year shall be calculated by multiplying the total operating budget by the Member Town's respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June 30, 2020) and each Fiscal Year thereafter, each Member Town's annual respective share of the total operating costs of the District schools in any fiscal year shall be calculated in a two-step process as follows: First, each Member Town's respective share of the total Required Minimum Contribution shall be calculated by multiplying the Required District Contribution as shown in the District's budget for the applicable fiscal year by the Member Town's respective Applicable Percentage for that year. Second, the balance of each Member Town's respective share of the total operating costs of the District schools as shown in the District's budget for the applicable fiscal year in excess of the Required Minimum Contribution shall be calculated by multiplying the remaining balance of the total operating costs of the District schools as shown in the District's budget for the applicable fiscal year by such Member Town's Rolling Average Applicable Percentage.
- f. The District shall arrange for necessary transportation for pupils from all member towns attending the Regional District schools under provisions of applicable MGL and special acts.
- g. For Fiscal Year 2013 and each Fiscal Year thereafter through Fiscal Year 2019 (July 1, 2018 through June 30, 2019), each Member Town's share of the total transportation costs shall be calculated by multiplying the total transportation costs by the Member Town's respective Applicable Percentage. For Fiscal Year 2020 (July 1, 2019 through June



30, 2020) and each Fiscal Year thereafter, each Member Town's respective share of the annual transportation costs shall be calculated by multiplying total transportation costs of the District for that fiscal year by such Member Town's Rolling Average Applicable Percentage.

- h. Each Member Town shall make payment for its respective share of the District's estimated annual operating and transportation costs upon certification by the District treasurer as specified in section 8(b) below, such payment to be made by the respective town treasurer in four equal installments on the fifteenth day of August, November, February and May, by check payable to the District.

All other terms and provisions of the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011, and including but not limited to subparagraphs i, and j of Section 4 APPORTIONMENT OF COSTS, remain in full force and effect in their entirety.

**Vote: motion carried by a show of hands majority.**

**Article 5:** Motion made and seconded to raise and appropriate the sum of \$45,000.00 for a Corrosion Control system at the Water Plant

**Vote: motion carried by a show of hands majority.**

**Article 6:** Motion made and seconded to raise and appropriate the sum of \$6,000.00 for the repairs at the Town Cemeteries

**Vote: motion carried by a show of hands majority.**

**Article 7:** Motion made and seconded to raise and appropriate the sum of \$10,000.00 to bring the Fire Department into compliance with the new Occupational Safety and Health Administration (OSHA) laws.

**Vote: motion carried by a show of hands majority.**

**Article 8:** Motion made and seconded to transfer from Free Cash the sum of \$9,000.00 to purchase a new Mower with a rake.

**Vote: motion carried by a show of hands majority.**

**Article 9:** Motion made and seconded to transfer from Free Cash the sum of \$9,700.00 to make repairs at French Park.

**Vote:** motion carried by a show of hands majority.

**Article 10:** Motion made and seconded to transfer from Free Cash the sum of \$57,000.00 to purchase and install a new, larger capacity generator at Town Hall and to upgrade the Town Hall electrical service.

**Vote:** motion carried by a show of hands majority.

**Article 11:** Motion made and seconded to transfer from Free Cash the sum of \$48,000.00 to blacktop a portion of the Town Hall driveway and parking lot.

**Vote:** motion carried by a show of hands majority.

**Article 12:** Motion made and seconded that the Town appropriate \$200,000.00 to pay a portion of the second phase costs of its required share of the engineering and construction expenses associated with the reconstruction of Mount Washington Road, including the payment of all costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, s. 7 (1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

(As vote required a secret ballot and a 2/3 majority, actual vote taken together with Article 13.)

**Vote:** motion defeated with a paper ballot count of 88 yes/47 no - 2/3 not obtained

**Article 13:** Motion made and seconded that the Town appropriate \$280,000.00 to pay costs of purchasing a new Dump Truck for the Egremont Highway Department, including the payment of all other costs incidental or related there to, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, s7 (1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or

notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the borrowed to be borrowed to pay such costs by a like amount.

Secret ballot with 2/3 majority required.

**Vote: motion defeated with a paper ballot count of 63 yes/72 no.**

**Article 14:** Motion made and seconded to transfer from Overly Surplus the sum of \$40,000.00 to make road repairs to Town roads.

**Vote: motion carried by a show of hands majority.**

**Article 15:** Motion made and seconded to transfer from Free Cash the sum of \$90,000.00 to make the required ADA upgrades at the South Egremont School House.

Discussion ensued.

**Vote: motion carried by a show of hands majority.**

**Article 16:** Motion made and seconded to raise and appropriate the sum of \$12,000.00 to pay for an approximate .3 administrative/maintenance position for the Egremont Fire Department, all fees for fire inspection and services are to be retained by the Town.

**Vote: motion carried by a show of hands majority.**

**Article 17:** Motion made and seconded to raise and appropriate the sum of \$5,000.00 to pay to the Friends of Prospect Lake to help with the costs of weed control at Prospect Lake.

Discussion ensued.

**Vote: motion carried by a show of hands majority.**

**Article 18:** Motion made and seconded to raise and appropriate the sum of \$4,000.00 to update a portion of the town's MACRS historic listings.

**Vote: motion carried by a show of hands majority.**

**Article 19:** Motion made and seconded to raise and appropriate the sum of \$1,000.00 to restore books and ledgers in the Archives room.

**Vote: motion carried by a show of hands majority.**

**Article 20:** Motion made and seconded to transfer from Free Cash the sum of \$5,000.00 for the Agricultural Commission to create a written plan to outline a pollinator habitat corridor across Egremont.

**Vote:** motion carried by a show of hands majority.

**Article 21:** Motion made and seconded to transfer from Free Cash the sum of \$15,000.00 to the special GASB 45 stabilization fund (for future retiree benefits other than pension).

**Vote:** motion carried by a show of hands majority.

**Article 22:** Motion made and seconded to transfer from Free Cash the sum of \$10,000.00 to the Stabilization fund.

**Vote:** motion carried by a show of hands majority.

**Article 23:** Motion made and seconded to see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges (Approximately \$150,850.).

**Vote:** motion carried by a show of hands majority.

**Article 24:** Motion made and seconded to authorize the Selectboard to enter into up to a ten (10) year contract with the option for a five (5) year extension, commencing July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in Spring of 2020 for funding for these services.

**Vote:** motion carried by a show of hands majority.

**Article 25:** Motion made and seconded to raise and appropriate the sum of \$5,000.00 to the Police Road Detail Revolving account.

**Vote:** motion carried by a show of hands majority.

**Article 26:** Motion made and seconded to fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019 for the revolving funds established in Egremont General Bylaw 24 for certain departments, boards, committees, agencies or other officers in accordance with Massachusetts General Laws Chapter 44, Section 53E  $\frac{1}{2}$ , as follows:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fiscal Year 20 Spending Limit
French Park	Board of Selectmen and Buildings and Grounds	\$2,000.00
Home Compost Bins	Board of Selectmen and Sustainability Coordinator	\$500.00
Zoning Board of Appeals	Zoning Board of Appeals	\$1,000.00
Dog License and donation fund	Town Clerk	\$5,000.00
Inspector Wages	Wiring, Plumbing & Gas Inspectors	\$25,000.00
Compostable Materials	Green Committee and Sustainability Coordinator	\$500.00
Recycling Proceeds	Board of Selectmen and Sustainability Coordinator	\$15,000.00
Planning Board	Planning Board	\$2,500.00
French Park Dog Park	Board of Selectmen and Trustees of French Park	\$1,000.00
Wetlands	Conservation Commission	\$5,000.00

**Vote:** motion carried by a show of hands majority.

**Article 27:** Motion made and seconded to see if the Town will adopt a by-law banning non-retail recreational marijuana establishments in the Town of Egremont with the following proposed by-law:

The operation of all non-retail recreational marijuana establishments, including but not limited to non-retail recreation marijuana establishments for the cultivation, manufacturing, transportation, and/or testing of recreational marijuana, is prohibited in the Town of Egremont.

Discussion ensued.

**Vote: motion defeated 47 yes/66 no by a hand count.**

**Article 28:** Motion made and seconded to enact the following bylaw: "The use of all algacides, herbicides and pesticides in Prospect Lake is prohibited".

Motion made and seconded to call the question. Motion passed.

**Vote: original motion defeated by a show of hands majority.**

The Moderator dissolved the Town Meeting at 10:20 pm

Total Raise and Appropriate	\$ 4,582,301.00
Total Transfer Free Cash	\$ 243,700.00
Total Transfer Stabilization Fund	\$ 0.00
Total Borrow	\$ 0.00
Water Dept. Free Cash	\$ 10,913.00
Water Revenue	\$ 221,655.00
Other (Overly Surplus)	<u>\$ 40,000.00</u>
Total	\$ 5,098,569.00

Respectfully submitted,

Juliette S. Haas

Egremont Town Clerk